

113 FERC ¶61,017
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Nora Mead Brownell, and Sudeen G. Kelly.

California Power Exchange Corporation	Docket Nos. ER05-167-000 ER02-2234-010 ER03-139-006 ER03-791-003 ER04-111-002 ER04-785-001
---------------------------------------	---

California Power Exchange Corporation	Docket No. ER05-910-000 (Not consolidated)
---------------------------------------	--

ORDER APPROVING UNCONTESTED SETTLEMENT

(Issued October 11, 2005)

1. On September 1, 2005, the Reorganized California Power Exchange Corporation (“CalPX”) filed a Settlement Agreement reflecting an agreement reached in the above-listed dockets. The parties bound by the provisions of the Settlement Agreement include the CalPX, the California Electricity Oversight Board, the California Public Utilities Commission, Southern California Edison Company, Pacific Gas and Electric Company, San Diego Gas and Electric Company, the Salt River Project, and all other PX Market Participants, as identified in Attachment A of the Settlement Agreement. On September 21, 2005, the Commission’s Trial Staff filed comments in support of the Settlement Agreement. On September 28, 2005, the Presiding Administrative Law Judge certified the Settlement Agreement, as uncontested, to the Commission.

2. The Settlement Agreement resolves all issues set for hearing in the above-captioned dockets,¹ as well as those raised in the remand order issued in *Pacific Gas and Electric v. FERC*.² Specifically, the Settlement Agreement resolves the allocations

¹ *California Power Exchange Corporation*, 109 FERC ¶ 61,259 (2004); *California Power Exchange Corporation*, 111 FERC ¶ 61,502 (2005).

² 373 F.3d 1315 (D.C. Cir. 2004), *reh’g denied*, U.S. App. LEXIS 18393 (Aug. 27, 2004).

among the PX Market Participants for the CalPX's "wind-up" Historical Costs and Going Forward Costs through the Effective Period. The Settlement also provides for the settlement of the CalPX's Retained Claims Litigation and resolves certain issues arising from its Commandeering Litigation.

3. The Settlement Agreement is in the public interest and is hereby approved. The Commission's approval of this settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding. Section 13 of the Settlement Agreement provides that it is subject to the *Mobile-Sierra* public interest standard of review.

4. The designations on the amended tariff sheets submitted with the Settlement Agreement are in compliance with Designation of Electric Rate Schedule Sheets,³ and are accepted for filing as designated, to be effective on the date specified in the Settlement.

5. Pursuant to section 14 of the Settlement Agreement, the CalPX is directed to make the compliance filing described therein within 30 days after the Effective Date of the Settlement, as defined in section 2 of the Settlement Agreement.

6. The following dockets are hereby terminated: Docket Nos. ER05-167-000, ER02-2234-010, ER03-139-006, ER03-791-003, ER04-111-002, ER04-785-001, and ER05-910-000. A new subdocket will be assigned to Docket Nos. ER05-167, ER02-2234, ER03-139, ER03-791, ER04-111, ER04-785, and ER05-910 upon the filing of the requested compliance report.

By the Commission.

(S E A L)

Magalie R. Salas,
Secretary.

³ Order No. 614, *FERC Statutes and Regulations, Regulations Preambles July 1996 – December 2000* ¶ 31,096 (2000).